

Application No. : 10/749,325
Filed : December 29, 2003

REMARKS

Claims 1, 3 – 11, 13, 15 – 24, 29, and 33 – 42 were pending in the application. By this paper, Applicant has amended Claims 1, 13, 36, 37, 41 and 42, canceled Claims 10 – 11 and 22-24 without prejudice, and added new Claims 43-56. Accordingly, Claims 1, 3 – 9, 13, 15 – 21, 29, and 33 – 56 are presented for examination herein.

Request-for-Continued Examination (RCE)

Applicant submits concurrently herewith an RCE for continued prosecution of the above-identified application.

Related Cases

Applicant notes that it has contemporaneously filed herewith a divisional application (serial number unknown; filed November 11, 2008) claiming priority to the present application.

Allowed and Allowable Subject Matter

Per the Office Action, Claims 29 and 33 – 42 stand allowed by the Examiner.

§112 Rejections

Per page 2 of the Office Action, Claims 1 and 13 each stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as their invention.

By this paper, Applicant has amended Claims 1 and 13 to further clarify the described relationship (i.e., only on four out of every five TX clock cycles associated with the second clock, removing the 10-bit symbol from the FIFO). See, *inter alia*, Par. [0008] for support for this amendment. Hence, no new matter has been added.

Applicant respectfully submits that the aforementioned amendments to Claims 1 and 13 render these claims, as well as each of their dependent claims, definite and clear. Accordingly, Applicant requests withdraw of the Examiner's Section 112 rejections.

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§103 Rejections

1. Per page 3 of the Office Action, Claim 10 stands rejected under 35 U.S.C. § 103 as being unpatentable over Stone et al. (U.S. Patent Publication No. 2002/0152346, hereinafter “Stone”) in view of Crutchfield et al. (U.S. Patent Publication No. 2002/0196884, hereinafter “Crutchfield”), Tatum et al. (U.S. Patent No. 6,728,280, hereinafter “Tatum”, Thayer et al. (U.S. Patent No. 5,590,378, hereinafter “Thayer”) and further in view of Anderson et al. (U.S. Patent No. 5,845,152, hereinafter “Anderson”). Applicant has herein canceled Claim 10 without prejudice, thereby rendering the Examiner’s rejection of this claim moot.

2. Per page 7 of the Office Action, Claim 11 stands rejected under 35 U.S.C. § 103 as being unpatentable over Stone in view of Crutchfield, Thayer, Anderson and further in view of Voit (U.S. Patent No. 6,510,473). Applicant has herein canceled Claim 11 without prejudice, thereby rendering the Examiner’s rejection of this claim moot.

3. Per page 7 of the Office Action, Claims 22 – 23 each stand rejected under 35 U.S.C. § 103 as being unpatentable over Stone in view of Crutchfield, and further in view of Thayer. Applicant has herein canceled Claims 22 and 23 without prejudice, thereby rendering the Examiner’s rejection of this claim moot.

4. Per page 10 of the Office Action, Claim 24 stands rejected under 35 U.S.C. § 103 as being unpatentable over Stone in view of Crutchfield, and further in view of Thayer. Applicant has herein canceled Claim 24 without prejudice, thereby rendering the Examiner’s rejection of this claim moot.

New Claims

By this paper, Applicant has added new Claims 43-56.

New independent Claims 43 and 49 relate generally to the subject matter of allowed Claim 33.

New dependent Claims 44 and 50 are supported at, *inter alia*, Par. [0025] of the specification as filed.

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New dependent Claims 45 and 51 are also supported at, *inter alia*, Par. [0025] of the specification as filed.

New dependent Claims 46 and 52 are supported at, *inter alia*, Par. [0027] of the specification as filed.

5 New dependent Claims 47 and 53 are supported at, *inter alia*, existing Claim 37, and Claims 9 and 21 of the specification as originally filed.

New dependent Claims 48 and 56 are supported at, *inter alia*, Par. [0021] of the specification as filed.

10 New dependent Claims 44 and 50 are supported at, *inter alia*, Par. [0027] of the specification as filed.

Hence, Applicant submits that no new matter has been added. Applicant believes new Claims 43-56 to distinguish over the art of record, and define patentable subject matter.

Other Remarks

15 Applicant hereby reserves the right to prosecute claims of different scope in another continuation or divisional application.

Applicant notes that any claim cancellations or additions made herein are made solely for the purposes of more clearly and particularly describing and claiming the invention, and not for purposes of overcoming art or for patentability. The Examiner should infer no (i) adoption of a position with respect to patentability, (ii) change in the Applicant's position with respect to any claim or subject matter of the invention, or (iii) acquiescence in any way to any position taken by the Examiner, based on such cancellations or additions.

Furthermore, any remarks made with respect to a given claim or claims are limited solely to such claim or claims.

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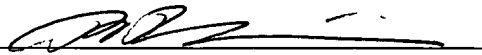
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If the Examiner has any questions or comments which may be resolved over the telephone, he is requested to call the undersigned at (858) 675-1670.

Respectfully submitted,

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